

**UNITED STATES DISTRICT COURT  
MINNESOTA DISTRICT COURT  
MINNEAPOLIS**

**CASE NO.: \*\*\*\***

CHRIS CRISMAN,

Plaintiff,

v.

GEARJUNKIE LLC,

Defendant,

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**

**(INJUNCTIVE RELIEF DEMANDED)**

Plaintiff CHRIS CRISMAN by and through his undersigned counsel, brings this Complaint against Defendant GEARJUNKIE LLC for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff CHRIS CRISMAN ("Crisman") brings this action for violations of his exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Crisman's original copyrighted Work of authorship.

2. Crisman is a professional photographer who focuses on photographing people in a variety of types of work and strives to obtain the most human connection from the person and the power from the space to balance it out. He fuels his career by making his work tell a story, to create an emotional response, beyond reality for a surreal experience with the viewer. He is a master of lighting and has recently been creating many "moving" stills. Crisman's current project "Women's Work" focuses on women working in industries dominated by men. Crisman travels approximately 6 months of the year and has shot in every state of the USA. Crisman has

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received the LÜrzers Archive 200 Best Photographers Worldwide Award, and awards from Communication Arts Photo Annual, Graphis Photography Annual, American Photography, One Eyeland Photographer of the Year, IPA Awards, and PDN Faces. His clients include Panasonic, Pearle Vision, Pfizer, Merck, AstraZeneca, American Standard, Shell and ExxonMobil.

3. Defendant GearJunkie LLC (“GearJunkie”) is a media outlet with a focus on the outdoors and active lifestyles with breaking news, product reviews, and buying guides. With decades of collective experience in both outdoor activities and product journalism, GearJunkie is uniquely positioned to report on the world of outdoor recreation. At all times relevant herein, GearJunkie owned and operated the internet website located at the URL <https://gearjunkie.com/> (the “Website”).

4. Crisman alleges that Defendant copied his copyrighted Work from the internet in order to advertise, market and promote its business activities. GearJunkie committed the violations alleged in connection with its business.

### **JURISDICTION AND VENUE**

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Minnesota.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, GearJunkie engaged in infringement in this district, GearJunkie resides in this district, and GearJunkie is subject to personal jurisdiction in this district.

**DEFENDANT**

9. GearJunkie LLC is a Minnesota Limited Liability Company, with its principal place of business at 1330 Lagoon Ave, Suite 400, Minneapolis, and can be served by serving its Registered Agent, AllGear Digital, 5021 Vernon Avenue S, Suite 167, Edina, Minnesota 55436.

**THE COPYRIGHTED WORK AT ISSUE**

10. In 2014, Crisman created the photograph entitled “cc2014047,” which is shown below and referred to herein as the “Work”.



11. Crisman registered the Work with the Register of Copyrights on November 13, 2014, and was assigned registration number VAu 1-238-100. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. Crisman's Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets. The Work in perspective, orientation, positioning, lighting, and other details is entirely original, distinctive, and unique. As such, the Work qualifies as subject matter protectable under the Copyright Act.

13. At all relevant times Crisman was the owner of the copyrighted Work.

### **INFRINGEMENT BY GEARJUNKIE**

14. GearJunkie has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, GearJunkie copied the Work.

16. On or about May 26, 2023, Crisman discovered the unauthorized use of his Work on the Website at the URL <https://gearjunkie.com/biking/world-record-bike-speed-2015>.

17. GearJunkie copied Crisman's Work without Crisman's permission or authority.

18. After GearJunkie copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its biking blog.

19. GearJunkie copied and distributed Crisman's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. GearJunkie committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

21. Crisman never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

22. Crisman notified GearJunkie of the allegations set forth herein on May 31, 2023, and June 20, 2023. To date, the parties have failed to resolve this matter.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

23. Crisman incorporates the allegations in paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Crisman owns a valid copyright in the Work at issue in this case.

25. Crisman registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. GearJunkie copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Crisman's authorization in violation of 17 U.S.C. § 501.

27. GearJunkie performed the acts alleged in the course and scope of its business activities.

28. Defendant's acts were willful.

29. Crisman has been damaged.

30. The harm caused to Crisman has been irreparable.

WHEREFORE, the Plaintiff CHRIS CRISMAN prays for judgment against the Defendant GEARJUNKIE LLC that:

a. GearJunkie and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

- b. GearJunkie be required to pay Crisman his actual damages and Defendant's profits attributable to the infringement, or, at Crisman's election, statutory damages, as provided in 17 U.S.C. § 504;
- c. Crisman be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Crisman be awarded pre- and post-judgment interest; and
- e. Crisman be awarded such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Crisman hereby demands a trial by jury of all issues so triable.

DATED: November 30, 2023

Respectfully submitted,

/s/ Rachel I. Kaminetzky  
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(*pro hac vice application to be filed*)

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